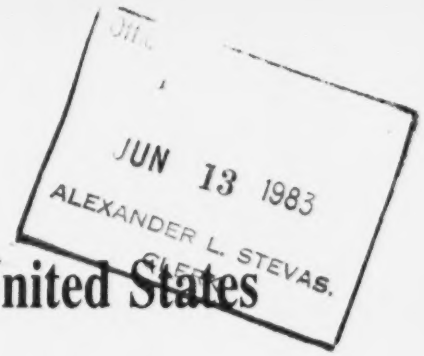

No. 82-1982
IN THE

Supreme Court of the United States

October Term, 1982

CAROL SMITH SHANNON and PHILIP A. TOFT,
Petitioners,

vs.

FRED H. HARMSEN, *et al.*,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

SUPPLEMENTAL APPENDIX

THOMAS R. SHERIDAN,
2404 Wilshire Boulevard,
Suite 400,
Los Angeles, Calif. 90057,
(213) 380-3330,
Attorney for Petitioners Carol Smith Shannon and Philip A. Toft.

Of Counsel:
SIMON & SHERIDAN,
MICHAEL R. ROGERS

Parker & Son, Inc., Law Printers, Los Angeles. Phone 724-6622

SUPPLEMENTAL APPENDIX D.

Judgment.

United States District Court, Southern District of California.

Fred H. Harmsen, Ken Hansen, Samuel Rosenberg and James P. Young, et al., Plaintiffs, vs. C. Arnholt Smith, et al., Defendants. Consolidated Civil Actions Nos. 73-460-E and 74-345-E.

Filed: January 2, 1980.

The claims of named plaintiffs FRED H. HARMSEN, KEN HANSEN, SAMUEL ROSENBERG and JAMES P. YOUNG, and of the class which they represent, against defendants C. ARNHOLT SMITH, HELEN SMITH, CAROL SMITH SHANNON, PHILIP A. TOFT, M. J. COEN, JOHN A. SMITH, FIRST NATIONAL FINANCE CORPORATION, U. S. HOLDING COMPANY, SAN DIEGO PADRES and FIRST CALIFORNIA COMPANY, came on for jury trial on August 6, 1979 for the liability phase, and, before the same jury, on December 6, 1979 for the damage phase. The issues having been duly tried, and the jury having rendered its liability verdict on October 12, 1979 and its damage verdict on December 21, 1979,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is as follows:

1. As to defendant C. ARNHOLT SMITH, judgment against said defendant and in favor of the named plaintiffs and the class which they represent, on the following counts and in the following amounts:

Count I	$12,298,708.11
Count II	$12,061,417.72
Count V	$ 8,689,021.25
Count VI	$12,061,417.72
Count VII	$11,614,538.21
Count VIII	$11,085,494.77

Count IX	$10,722,476.62
Punitive Damages (Counts VI, VII, VIII and IX only)	$11,000,000.00

2. As to defendant HELEN SMITH, judgment against said defendant and in favor of the named plaintiffs and the class which they represent, on the following counts and in the following amounts:

Count III	$ 6,241,170.02
Count IV	$ 6,241,170.02
Count V	$ 6,241,170.02
Count VI	$ 6,241,170.02
Count VII	$ 6,241,170.02
Count IX	$ 5,858,660.91
Punitive Damages (Counts VI, VII and IX only)	$ 750,000.00

3. As to defendant CAROL SMITH SHANNON, judgment against said defendant and in favor of the named plaintiffs and the class which they represent on the following counts and in the following amounts:

Count III	$ 6,241,170.02
Count IV	$ 6,241,170.02
Count V	$ 6,241,170.02
Count VI	$ 6,241,170.02
Count VII	$ 6,241,170.02
Count IX	$ 5,858,660.91

Punitive Damages (Counts VI, VII and IX only)	$ 3,000,000.00

4. As to defendant PHILIP A TOFT, judgment against said defendant and in favor of the named plaintiffs and the class which they represent on the following counts and in the following amounts:

Count IV	$ 8,689,021.25
Count V	$ 8,689,021.25
Count VI	$ 8,689,021.25
Count VII	$ 8,689,021.25
Count IX	$ 8,083,508.79
Punitive Damages (Counts VI, VII and IX only)	$ .00

5. As to defendant M. J. COEN, judgment against said defendant and in favor of the named plaintiffs and the class which they represent on the following counts and in the following amounts:

Count III	$ 6,241,170.02
Count IV	$ 6,241,170.02
Count V	$ 8,689,021.25
Count VI	$ 6,241,170.02
Count VII	$ 8,689,021.25
Count IX	$ 8,083,508.79
Punitive Damages (Counts VI, VII and IX only)	$ 3,000,000.00

6. As to defendant JOHN A. SMITH, judgment against said defendant and in favor of the named plaintiffs and the class which they represent on the following counts and in the following amounts:

Count IV	$11,614,538.21
Count VI	$11,614,538.21
Count VII	$11,614,538.21
Count IX	$10,722,476.62
Punitive Damages (Counts VI, VII and IX only)	$ 1.00

7. As to defendant FIRST NATIONAL FINANCE CORPORATION, judgment against said defendant and in favor of the named plaintiffs and the class which they represent on the following counts and in the following amounts:

Count IV	$ 2,861,957.38
Count VI	$ 2,861.957.38
Count VII	$ 2,861,957.38
Count IX	$ 2,868,933.92
Punitive Damages (Counts VI, VII and IX only)	$ 1.00

8. As to defendant U. S. HOLDING COMPANY, judgment against said defendant and in favor of the named plaintiffs and the class which they represent on all counts in the amount of $12,298,708.11 in compensatory damages, and $1.00 in punitive damages.

9. As to defendant SAN DIEGO PADRES, judgment against said defendant and in favor of the named plaintiffs

and the class which they represent on all counts in the amount of $12,298,708.11 in compensatory damages, and $1.00 in punitive damages.

10. As to defendant FIRST CALIFORNIA COMPANY, judgment against said defendant and in favor of the named plaintiffs and the class which they represent on all counts in the amount of $12,298,708.11 in compensatory damages, and $1.00 in punitive damages.

11. As to all defendants, judgment against all defendants and in favor of the named plaintiffs and the class which they represent for the costs of suit herein.

Dated 1/2/80.

/s/ William B. Enright
WILLIAM B. ENRIGHT
Judge, U.S. District Court

Amendment to Judgment.

United States District Court, Southern District of California.

Fred H. Harmsen, et al., Plaintiffs, v. C. Arnholt Smith, et al., Defendants. Civil Nos. 73-460-E, 74-345-E.

Filed: January 16, 1980.

Upon motion of defendants, the court hereby amends its Judgment in this case, entered January 4, 1980, to add the following concluding paragraph:

> "The liability of each defendant is no greater than the largest sum such defendant has been found liable for as to any one count, plus the amount of any punitive damages for that particular defendant. Any payment by any defendant shall reduce by like amount the amount of liability of every other defendant, except punitive damages which are the sole responsibility of the particular defendant against whom punitive damages have been assessed."

This paragraph shall be deemed to be incorporated into the judgment entered January 4, 1980.

It is so ordered.

DATED: January 16, 1980.

/s/ William B. Enright, Judge
WILLIAM B. ENRIGHT, Judge
United States District Court

Copies to:
Plaintiffs
Defendants